

Section 2.2 Biological Resources

12-month Issues

12-BR-1 Data Adequacy Deficiency – Provide a 1:6000 scale map of the project (including all the linears) that shows the location of habitat that may support sensitive species. The map should delineate the habitat within 1000 feet from the outer edge of the linears (including habitats at James Bypass, California Aqueduct, San Joaquin Slough, and all other water crossings) and should delineate all habitats within one mile of the CVEC site.

Data Adequacy Response – A set of large-scale maps showing all the linears was provided to the CEC under separate cover at the time of filing the AFC. The area, under intensive agricultural use, is of low-value for wildlife species because cotton farms have no seeds, fruit, weeds or edge areas attractive for wildlife. The “edge” areas surrounding the fields are generally clear of all weeds and vegetation, and there are generally no trees. Water is available only in irrigation ditches. This intensive cotton farming is the predominant land use at the project site and the 1-mile surrounding the site (see Figure 8.2-1R, attached). Most of the linears pass through similar habitat, though crossings of significant waterways provide variable amounts of potential habitat. The attached Figures 8.2-2c, d, e and f are aerial photographs showing the habitat within 1000 feet of these crossings. As evident from the figures, there is generally a narrow band of shrubs along a well-defined waterway, but habitat value is low to moderate.

12-BR-2 Data Adequacy Deficiency – Provide a list of species observed during the field surveys.

Data Adequacy Response – A list of species either observed, or expected to occur based on habitat suitability is provided here as Table 8.2-7.

12-BR-3 Data Adequacy Deficiency – Provide a discussion of the potential for commercial and/or recreational values of native fish and/or wildlife to be impacted by the CVEC project.

Data Adequacy Response – As described in Section 8.2, the region surrounding the proposed project site is urban and industrial to the north, and agricultural to the east, south and west. As a result nearly all native habitat, which would have consisted of saltbush scrub, has been replaced by cotton, and to a lesser extent corn fields and alfalfa. Although agricultural habitats in the vicinity of large urban areas are attractive for hunting, bird watching and similar recreational pursuits, the project sites and linears are in an area where open agricultural fields are common and widespread. As a result there is little demand for hunting, bird watching or similar recreational activities in the project area. Commercial uses such as gun clubs exist in the wetlands surrounding the Mendota Wildlife Area, 10 miles north of the project site, but there are none near the project site or adjacent project linears. Presence of CVEC in the industrial portion of San

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Joaquin, and installation of the gas and waterlines along county roads would not have any effect on commercial or recreational uses of native fish or wildlife.

6-month Issues

6-BR-1 Data Adequacy Deficiency – Please provide documentation of the consultation process with the U. S. Fish and Wildlife Service concerning compliance with the Endangered Species Act, including a copy of the Biological Assessment that was sent to the USFWS and a letter from the USFWS indicating that the Biological Assessment has been accepted as data adequate. If the applicant enters an informal consultation process with the USFWS, please provide a letter from USFWS indicating that formal consultation is not required, and that the mitigation proposed in the draft Biological Assessment is adequate. Also please provide a schedule for completing the consultation process with the USFWS.

Data Adequacy Response – The following summarizes the consultation record with USFWS to date:

- July 26, 2001. Letter from CH2M HILL to USFWS requesting list of potentially affected species and consultation on unidentified industrial project near San Joaquin, California.
- August, 2001. Telephone conversation with Nancy Pau of USFWS to discuss potential for effects of project and potential need for consultation or mitigation
- September 7, 2001. Meeting with Nancy Pau of USFWS to discuss USFWS process for determining and mitigating effects.
- November 12, 2001. Applicant re-submits consultation letter of July 26, 2001 to USFWS to request list of affected species.
- December 5, 2001. Applicant submits Administrative Draft Biological Assessment to USFWS, and discusses potential for receiving USFWS' concurrence that CVEC is "not likely to adversely affect" listed species.
- A draft Biological Assessment was presented to the USFWS, but the applicant anticipates that formal consultation under Section 7 of the Endangered Species Act will not be required. Therefore, USFWS will not need to render a Biological Opinion.

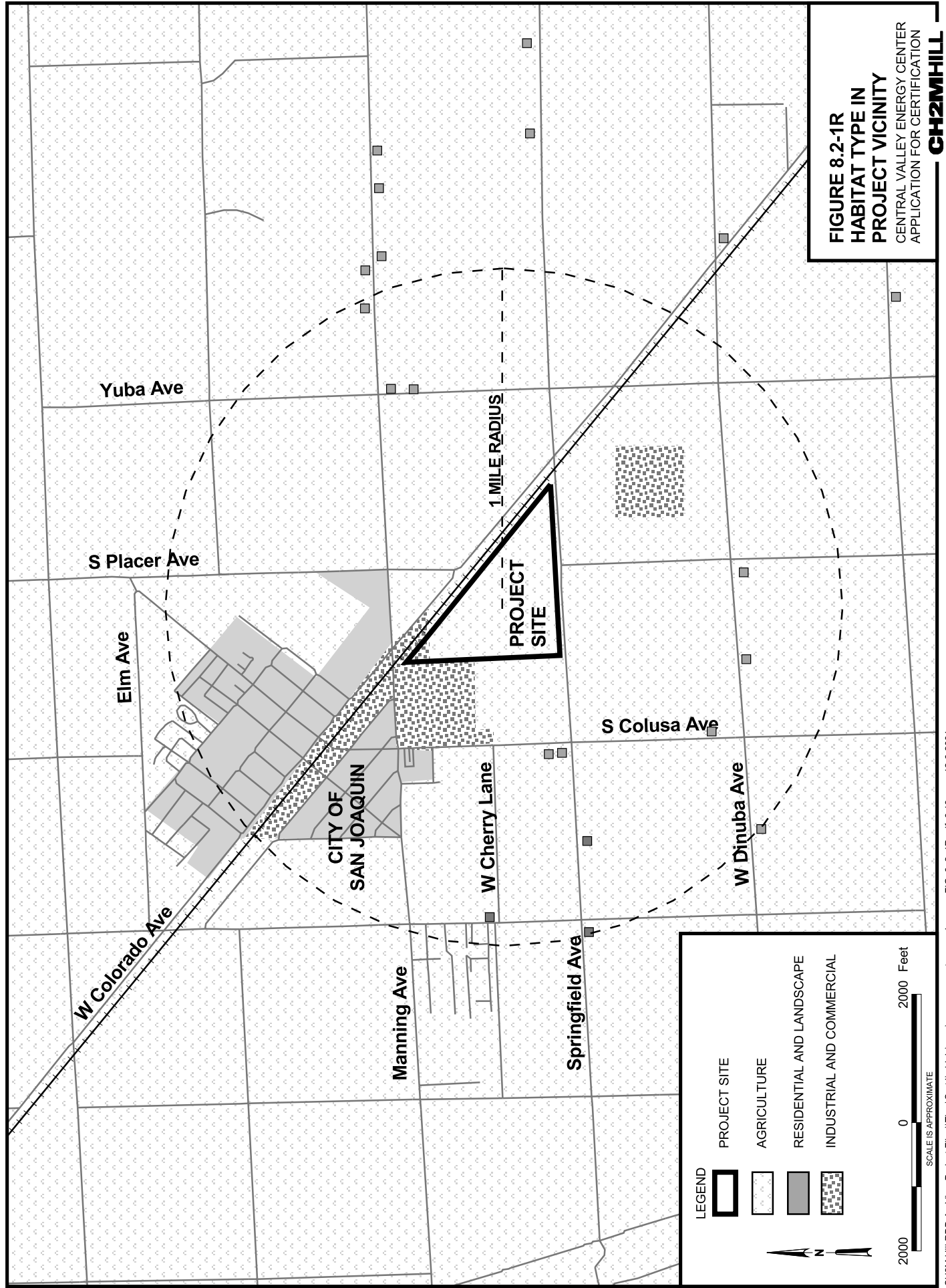
Regarding a schedule for completing consultation, USFWS staff has indicated that any endangered species issues can be resolved within the 6-month CEC timeframe, and that there are no major areas of concern with the project (Nancy Pau, USFWS. Personal communication, December 5, 2001).

6-BR-2 Data Adequacy Deficiency – Please provide documentation of the consultation process with the U. S. Fish and Wildlife Service concerning compliance with the Endangered Species Act, including a copy of the Biological Assessment that was sent to the to the USFWS and a letter from the USFWS indicating that the

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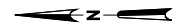
Biological Assessment has been accepted as data adequate. If the applicant enters an informal consultation process with the USFWS, please provide a letter from USFWS indicating that formal consultation is not required, and that the mitigation proposed in the draft Biological Assessment is adequate. Also please provide a schedule for completing the consultation process with the USFWS, and a list of species observed during any field surveys conducted for the Central Valley Energy Center project.

Data Adequacy Response – Please see analogous data responses for 6 month process.



**FIGURE 8.2-1R
HABITAT TYPE IN
PROJECT VICINITY**
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APPLICATION FOR CERTIFICATION
CH2MHILL

- LEGEND**
- PROJECT SITE
 - AGRICULTURE
 - RESIDENTIAL AND LANDSCAPE
 - INDUSTRIAL AND COMMERCIAL



2000 0 2000 Feet
SCALE IS APPROXIMATE

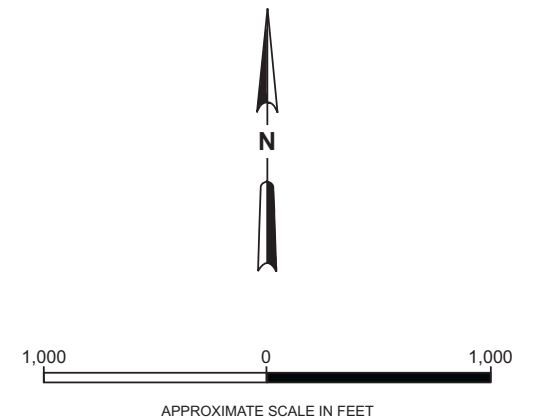
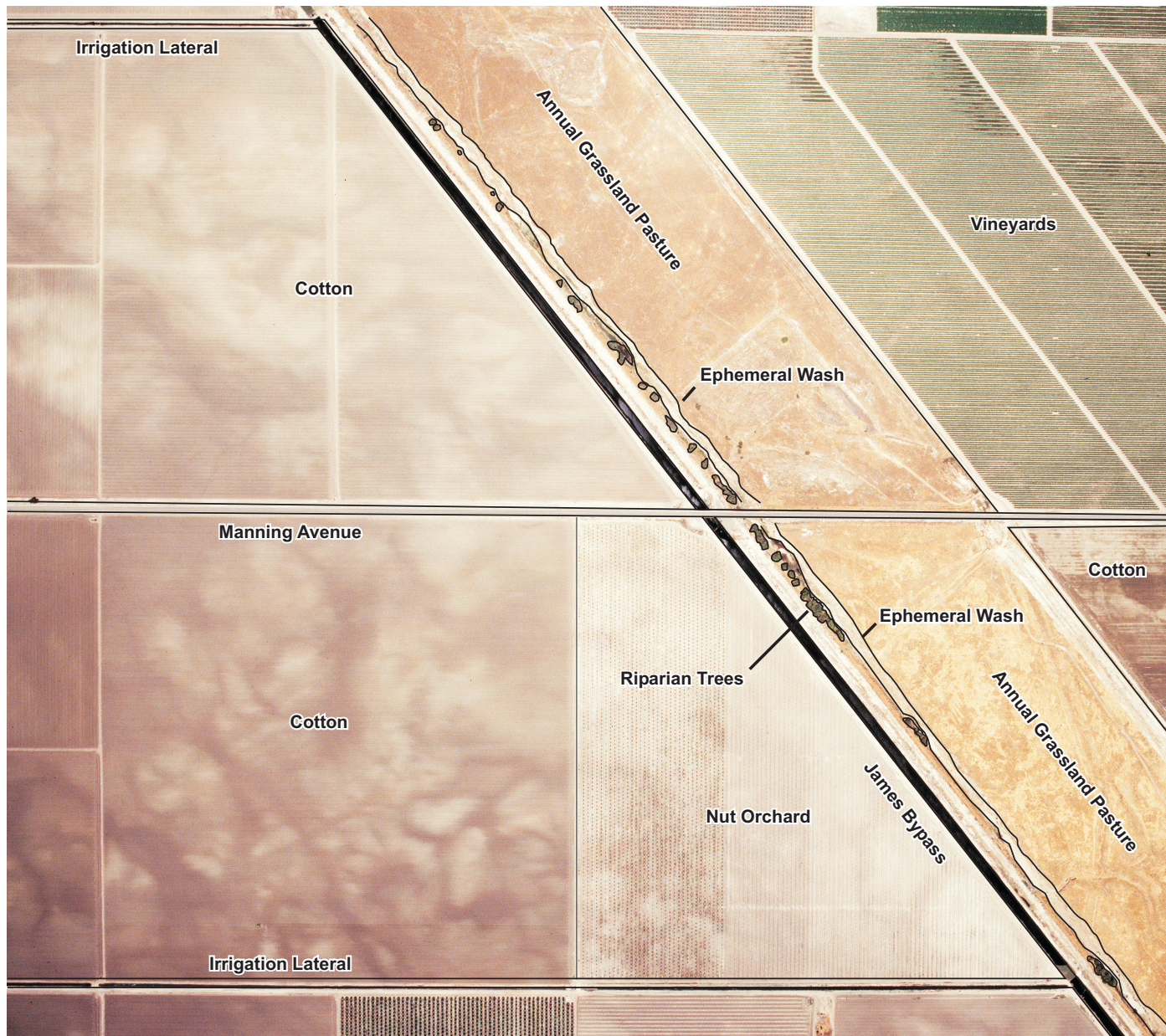


Figure 8.2 - 2c
Sensitive Habitat near James Bypass
2.5 Miles East of CVEC

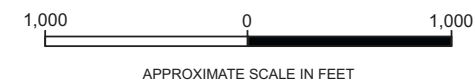


Figure 8.2 - 2d
Sensitive Habitat at Fresno Slough
2 Miles West of CVEC

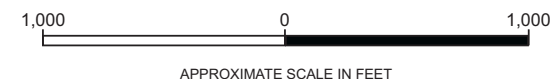


Figure 8.2 - 2e
Sensitive Habitat at Beta Main
5 Miles West of CVEC

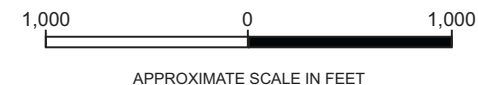


Figure 8.2 - 2f
Sensitive Habitat at California Aqueduct
20 Miles West of CVEC

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TABLE 8.2-7

Wildlife Species Observed or Expected within One-Mile of the Central Valley Energy Center Project and Linear

Common Name	Scientific Name	Habitat Association	Observed or Expected?
BIRDS			
American Crow	<i>Corvus corax</i>	Residential, Industrial/Paved, Woodland	O
American kestrel	<i>Falco sparverius</i>	Agricultural	O
Anna's hummingbird	<i>Calypte anna</i>	Landscape, Residential	O, E
Barn Swallow	<i>Hirundo rustica</i>	Canals, Farm ponds	O
Belted Kingfisher	<i>Ceryle alcyon</i>	Canals, Farm ponds	E
Black phoebe	<i>Sayornis nigricans</i>	Canals, Farm ponds	E
Brewer's blackbird	<i>Euphagus cyanocephalus</i>	Agricultural	O
Burrowing owl	<i>Speotyto cunicularia</i>	Canal berms, Agriculture	O
Cliff Swallow	<i>Hirundo pyrrhonota</i>	Canals, Farm Ponds,	O
European starling	<i>Sturnus vulgaris</i>	Agricultural	O
Great Blue Heron	<i>Ardea herodias</i>	Canals, Agricultural	E
Great Egret	<i>Casmerodias albus</i>	Canals, Agricultural	O
House finch	<i>Carpodacus mexicanus</i>	Grassland, Industrial/Paved, Residential	O
Loggerhead shrike	<i>Lanius ludovicianus</i>	Edges of Agriculture, shrubs, canals	O
Mallard duck	<i>Anas platyrhynchos</i>	Farm ponds	O
Mourning dove	<i>Zenaida macroura</i>	Agriculture	O
Northern harrier	<i>Circus cyaneus</i>	Alfalfa fields, hay	O
Northern mockingbird	<i>Mimus polyglottos</i>	Residential, landscape, orchard	O
Pied-billed Grebe	<i>Podilymbus podiceps</i>	Farm ponds	O, E
Red-tailed hawk	<i>Buteo jamaicensis</i>	Agriculture, towers, orchards	O
Valley Quail	<i>Callipepla californica</i>	Shrub, canal, edges of agriculture	E
Rock dove	<i>Columba livia</i>	Industrial/Paved, Residential	O
Swainson hawk	<i>Buteo Swainsoni</i>	Alfalfa	O
Turkey vulture	<i>Cathartes aura</i>	Soaring over agriculture	O
Western Kingbird	<i>Tyrannus verticalis</i>	Mesquite/saltbush shrublands, residential, landscape	O
Western meadowlark	<i>Sturnella neglecta</i>	Agriculture	O
White-tailed kite	<i>Elanus leucurus</i>	Agriculture	O
MAMMALS			
Striped Skunk	<i>Mephitis mephitis</i>	Agriculture, residential	E
Coyote	<i>Canis latrans</i>	Agriculture, Shrub	E
California ground squirrel	<i>Spermophilus beecheyi</i>	Agriculture, edges of Canals	O
House mouse	<i>Mus musculus</i>	Agriculture, Residential, Landscape.	O, E

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TABLE 8.2-7

Wildlife Species Observed or Expected within One-Mile of the Central Valley Energy Center Project and Linears

Common Name	Scientific Name	Habitat Association	Observed or Expected?
Location: Observed			
Agriculture = Most of the site and surrounding areas dominated by cotton, melons, tomatoes, alfalfa, and hay west of San Joaquin, and cotton, vineyards, orchards, and alfalfa east of San Joaquin.			
Industrial/Paved = Developed areas of City of San Joaquin			
Canals and Farm ponds = Scattered irrigation canals and storage ponds, from 2-foot-across to the California Aqueduct (100 feet across).			
Mesquite/ saltbush, shrub = Small patches adjacent to California Aqueduct, along Fresno Slough or James Bypass.			
Residential and Landscape = Rural housing, consisting of 1- to 5-acre lots with associated landscape trees or housing in City of San Joaquin.			